IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2093 OF 2005

Uttam Ramchandra Hole ... Petitioner

V/s

State of Maharashtra & Anr. ... Respondents

Shri P.M. Pradhan for petitioner

Shri D.P. Adsule,APP for the State.

Coram : V.M. Kanade, J.

Dated : 03/05/2005.

P.C. :-

1 Heard the learned counsel for the petitioner and the learned APP for the State.

2 It is an admitted position that the applicant is suffering from a serious heart ailment and at present he is in Yerwada Jail. It is submitted by the learned counsel appearing on behalf of the applicant that the applicant was admitted in Hinduja Hospital and was given treatment and thereafter he has now been transferred to Yerwada Jail. It is submitted that the applicant was moved to Sassoon Hospital and the doctor had also given a certificate that the applicant's health is in a precarious condition. It is, therefore, submitted that the applicant may be shifted to

J.J. Hospital and he may be given treatment there. In the event, the doctor who had performed bypass surgery is of the opinion that he may be again shifted to Hinduja Hospital in that even the may again be shifted to Hinduja Hospital. The learned APP submits that if he is shifted to J.J.Hospital he shall be guarded by security guards outside his room.

4 In my opinion, this is a fit case, considering the medical certificate and record annexed to the application which are not seriously disputed by the Government that the applicant may be shifted from Yerwada Jail to J.J. Hospital for the purpose of treatment of his heart ailment. In the event, the doctor who was performed bypass surgery on the applicant is of the opinion that the applicant should be shifted to Hinduja Hospital for further treatment he may accordingly be shifted to Hinduja Hospital and after the treatment is over, he may again be shifted to Arthur Road Jail or in any other jail in Mumbai.

5 It is clarified that the Government shall be permitted to keep security guard outside his room in order to ensure that applicant does not abscond.

6 Liberty is granted to the applicant to apply for bail on merit by filing separate application. All questions raised in this application are kept open. Accordingly, application is disposed of.

(V.M. Kanade, J.)